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Lessons from our North Carolina Records:

AN ADDRESS

READ BEFORE THE

Faculty and Students of Trinity College,

November 27, 1888,

BY

HON. WILLIAM L. SAUNDERS.

Secretary of State, North Carolina.

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Lessons from our North Carolina History.

MR. PRESIDENT AND GENTLEMEN OF TRINITY COLLEGE:

Some six months and more ago when I received President Crowell's kind invitation to deliver the address on this occasion I hesitated what to say in reply. I knew how uncertain my health was; I knew, too, that we were on the eve of one of our great American quadrennial political struggles, in which all matters merely historical would be sent well to the rear, and I feared it would be an injustice to Trinity as well as to myself to accept. On the other hand, the invitation gratified me. It gratified me, for one thing, because the subject assigned to me for discussion was North Carolina; and then, too, for purely personal reasons, I was specially gratified that the invitation came from Trinity.

From my present helpless condition one would scarcely think so, but the fact is that during the late war I had the honor to command a regiment in Lee's army, and one of my companies, Company G, was composed at its organization almost entirely of Trinity men, boys I might almost say, very many of them were; and the remembrance of that company has always made a warm spot in my heart for Trinity. And well does its memory deserve to be cherished, for your college register as well as its own roster bears mournful attest how faithful it was, even unto death. Therefore, when Trinity called, it was not in me to refuse, to make the effort, at least, to come. And then too a lesson I learned from old Company G, was that every North Carolinian must go promptly and cheerfully to the front whenever called upon for service in behalf of North Carolina, and so, Mr. President and gentlemen, I am here to-day.

With this much by way of preface I proceed to my subject.

Ninety-nine years ago, North Carolina, through her delegates in convention assembled in the town of Fayetteville, ratified the Federal Constitution, and thereupon became the twelfth State of the new Government. That event we celebrate to-day. Taking it, then, as a starting point and going back to the beginning of the Revolution that led up to it, two things are apparent from our records:

1. That North Carolina after freeing herself from the British Government was unwilling to bind herself to any other government before considering well its provisions and until proper limitations were put upon its powers for evil, and that in this matter she would trust nothing to chance or the future, and that she viewed with a specially jealous eye the powers demanded for the Federal Government.

2. That North Carolina was ready for the Revolution when it came; that there was never a roll-call to which she did not respond promptly, "Present and ready for Duty!"; that though determined she was deliberate and self-contained; that when it was necessary to take the lead she

went to the fore-front promptly and unhesitatingly ; that when there was no such need she contented herself with a position in the main line ; in a word, that she was ready to do whatever the exigency of the occasion demanded, always ready to do the right thing at the right time to further the great cause.

1. Her reluctance to bind herself to any other Government.

In August, 1775, North Carolina refused to ratify the plan of Confederation proposed by the Continental Congress and instructed her delegates there not to assent to any other plan until approved by the Provincial Congress and in April, 1776, when she authorised her delegates there to vote for "independency and foreign alliances" she expressly reserved to herself the sole and exclusive right to make her own constitution and laws.

Nor was the ratification of the Federal Constitution reached without difficulty. Only a year before it was accomplished, the people, in convention assembled at Hillsboro, had with equal solemnity and much more deliberation, and by a vote almost equally decisive, refused to ratify it. It must not be supposed, however, that this proceeded from fickleness or vacillation. Far from it, for no men knew better than the men of that day in N. Carolina what they wanted, and none had more the courage of their convictions than they. Nor was the action at Hillsboro induced by any disinclination to enter into a union with the other States, but to secure beyond all doubt certain amendments that were deemed by North Carolina and other States to be essential to the proposed Constitution and which, substantially, were afterwards made a part of the Constitution by the first ten amendments. The programme, in brief, was, that enough States should ratify the Constitution to secure the new Government and enough hold aloof to secure the desired amendments. Accordingly the eight States that first held their conventions having ratified the Constitution unconditionally, the brunt of the fight to secure the amendments fell upon three States, to-wit: New York, Virginia and North Carolina, that had purposely delayed taking action. Virginia being the first State in point of population, North Carolina the third and New York the fourth, there was scarcely any doubt that any terms they might demand would be conceded in order to secure them as members of the new Government. But there was very strong opposition to this mode of proceeding and the fight waxed hot between the advocates of immediate ratification and those who thought the incorporation of the desired amendments into the Constitution ought to precede ratification, and in the end the advocates of immediate ratification, with Washington at their head, carried the day. Mr. Jefferson at first favored the plan, but, becoming satisfied the desired amendments would be speedily made, changed his views. The Virginia Convention met on 2d June and ratified the Constitution as it stood, after a long fight and by a very small majority. In New York, also, where the Convention met on 17th June, the struggle was a desperate one, and the Constitution was ratified by a very meagre majority. North Carolina, however, whose Convention met on 21st July, stood up to her integrity and exhibited the courage of her convictions, and by a vote of 184 to 84 refused to ratify the Constitution before it was amended.

In the course of a year, most of the desired amendments having been formally proposed to the States by the Congress and their adoption being

assured, the Constitution which had been rejected in Hillsboro in August, 1788, was, as has been said, formally ratified in Fayetteville in November, 1789.

(And just here, perhaps, my friends, the question comes up in your minds as it did in mine, How came it that North Carolina was so reluctant to bind herself to any new government? The answer to this question is to be found in her historical records, and there only, for, as Mr. Braneroft so well says, "The present is always the lineal descendant of the past. A new form of political life never appears but as a growth out of its antecedents, just as in nature there is no animal life without a seed or spore. In civil affairs as much as in husbandry seed-time goes before harvest, and the harvest may be seen in the seed, the seed in the harvest." Had our great historian had North Carolina in his eye, his words could not have been more appropriate. Indeed, they are so apt a description of North Carolina that it seems scarcely possible they were not used with special reference to her.

(For a very brief summary, therefore, of the salient points in her history, her "antecedents," I trust you will pardon me in this connection. These antecedents show a continuous struggle on the part of the people of North Carolina with the Indians in their front on the one hand and with Great Britain in the rear, so to speak, on the other. It took them near a hundred and twenty-five years to drive the Indians to the Tennessee line and more than that time to get rid of the British. These struggles were the schools in which the people got their education—schools of adversity in some senses, perhaps, but uncommonly good ones for all that. In these schools two things were well taught. In the Indian school, North Carolinians learned the capacity of man for self-government; and in the British, they learned the value of a written constitution as a protection and defence against arbitrary government. From the latter lesson scrupulous, jealous scrutiny of the text of a new constitution before becoming bound by it, followed as a necessary corollary.

Frontier life, as we understand the term in America, indicates a phase of human existence peculiar to this Western world, and we may almost say peculiar to it, in its Anglo-Saxon development. Beginning on the shore of the Atlantic, the frontier moved westward until the red man was driven to the Pacific Coast. A few words describe the fact, but it took near three centuries to accomplish it, for the Indian was no mean foe. Separated from the home country by an expanse of water of some 3,000 miles, the colonists soon learned that upon themselves and not upon England must they depend; in a word, learned their capacity for self-government and became accustomed to its exercise.) To men thus accustomed to depend upon themselves alone in every emergency, the doctrine of the divine right of kings could not long be received with much respect. To such men, too, the simplest form of government only was tolerable, for, in the nature of things, frontiersmen feel every government more in its burdens than its benefits. It was simply impossible for any Government to make the frontiers in America places of safe residence for its citizens, and hence the necessity for self-reliance for protection. The result was that, taking lessons from the Indians, the frontiersmen soon came to be no respecters of persons, and learned that not

even the divinity that hedges in a king could stop a well-directed bullet. In a word, frontier life in America was a school for republicanism.

(In North Carolina, for nearly three-quarters of the first century of its settlement the Government was the veriest farce imaginable. During that time not merely all political authority but all private property in the soil as well, was vested in the Lords Proprietors, as they were called; yet it was said that one of them if here "would be regarded no more than a ballad singer would be." Under their rule "the people of North Carolina were confessedly the freest of the free." Generally speaking, they were sarcastically said to recognize no authority not derived from themselves and to have deposed their Governors until they actually thought they had a right so to do. Rebellions, too, so-called, were the order of the day.

To this state of things the utter indifference of the Proprietors to that portion of their great province contributed no little. The settlement on the Ashly and Cooper rivers that grew into "South Carolina" was from the beginning the place upon which all their hopes were centred. For the settlement on the Albemarle, or North Carolina, as it was called after the second charter, in contra-distinction to "Carolina," they cared nothing.

It must not be supposed, however, that the freedom enjoyed in North Carolina was simple license arising from a weak and an indifferent Government, for the people here stoutly maintained that their liberties came to them by operation of the plainest of plain laws, from the royal charter under which the colony had its rise and got its growth. To them Magna Charta was not the charter granted by King John to the English Barons at Runnymede, but the one granted by King Charles the Second to the Lords Proprietors of the Province of Carolina. Their liberties, franchises and privileges belonged to them, they said, not because they were Englishmen—indeed, for that matter they were not all Englishmen—but because they were inhabitants of Carolina, all of whom were guaranteed the liberties, franchises and privileges of English subjects by the charter in question; that those rights peculiar to them as Carolinians were so fully vested in them by the charter of Charles, so absolutely their own, that by no process of law could they be abrogated or abridged without their consent, and hence that the transfer of the Province from the Lords Proprietors in 1728 worked no change whatever in their political status, that the King could no more govern by prerogative after 1728 than the Lords Proprietors could have done so prior to that time, and, in a word, that in Carolina, upon subject and sovereign alike, "THUS SAITH THE LAW" was a supreme limitation.

Unhappily, however, for the Province the views of its inhabitants were not those of the British King, and, what was perhaps of more practical importance, were not those of British business men. The British theory was that the colonies were permitted for the benefit of the Crown and the mother country, and that they had neither rights nor interests that the Crown or the mother country must regard. In the attempt to put this theory into execution are to be found the seeds that fruited in the American Revolution of 1776.

Another document, reverenced by the people of Albemarle, next to the charter of Charles, and of less importance only in that it was of narrower scope, was the one they called their Great Deed of Grant. This noted

paper-writing, which was brought forward in the revisal of our laws as late as 1836, was a deed made by the Lords Proprietors, on the 1st May, 1668, in response to a petition from the General Assembly held in the latter part of 1664 or the first of 1665, the first session of such a body ever held in North Carolina. By it the lands in Albemarle, as the colony was first called, were directed to be granted upon like terms and conditions as those in Virginia, which were much more advantageous than those that had hitherto obtained in North Carolina. The deed was recorded in every register's office in Albemarle and the original preserved with the most scrupulous and reverential care. The book in which it was recorded in the county of Perquimans is still preserved in the Register's office there. In 1731, by formal order of the Assembly, the original parchment was solemnly produced before that body and ordered into the keeping of the Speaker of the Assembly, its text being directed meanwhile to be spread upon the minutes. The pains taken to preserve this important document in Albemarle seem to have been very necessary, for Governor Burrington declares in one of his letters that he could not, after diligent search, find any record of it in England. There was such a record, however, as may be seen any day now by reference to page 20, Colonial Entry Book No. 20, in the Public Record Office in London.

The existence of the deed and its text being thus beyond dispute, it was sought for years to break its force by impeaching its validity in various ways. Among these the favorite method, for many years, was to allege that it was a revocable deed and that it had actually been revoked by other deeds from the Proprietors. To this, however, the people would not listen, but stoutly stood up for the integrity of their Great Deed of Grant and continued to set it up as a conclusive reply to the claims and pretensions of arbitrary rulers. It is scarcely possible, perhaps, to appreciate at this day the value of the Great Deed of Grant to the people of North Carolina of that day in its effect upon their material interests. Its value, however, in teaching them how effective a safeguard a known written Constitution could be made against the encroachments and oppressions of arbitrary rulers can be seen even at a casual glance.

North Carolina, then from her very infancy, as it were, had been at a school in which the advantages of a written Constitution had been taught in a most impressive way and when the Revolution came it was not possible for her to forget the lesson. >

In 1779 South Carolina having revolted against the Government of the Lords Proprietors, asked and received the protection of the crown. This step was simply unavoidable, because having been already reduced to the direst straits by war with the Yamassee Indians and being in imminent danger of further hostilities from the French and Spanish as well as the Indians, the crown was the only power able to afford the help necessary to preserve her existence. And so appeal after appeal having been made to the confessedly powerless Lords Proprietors and in vain, South Carolina sought and found refuge in the strong arms of the King.

North Carolina on the other hand neither revolted nor desired to revolt from the Proprietors to the crown. She was not in the straits her southern sister was and all her life an unkind royal government had been her northern neighbor, at one time sending royal troops into her borders to crush out her people. And then, too, she was wise enough to know a good

thing in the way of government when she had one, and was by no means anxious to part with it. Her government was based upon written instruments, and even at that early day she both knew and was unwilling to surrender the advantage it gave her.

Two weeks had not elapsed after Burrington, the first Royal Governor, met the first Provincial Assembly summoned by royal writ in North Carolina before the issue was squarely made between constitutional government and prerogative rule, the Governor being formally notified by a resolution of the Assembly, duly signed by the Speaker, that by the royal charter given by King Charles the Second to the Lords Proprietors of Carolina it was granted that "the inhabitants of this Province shall have, possess and enjoy all Liberties, Franchises and Privileges as are held, possest and enjoyed in the Kingdom of England." For this declaration the Assembly was first showered with abusive epithets, then prorogued and finally dissolved by the King's Governor; and for two years afterward no other Assembly was allowed to meet.

Under the first royal Governor, the contention was short though sharp, for his administration was a brief one. Under the second, Johnston, whose administration lasted near twenty years, it was long drawn out, but all the while the same old story, a contention between constitutional government and arbitrary rule. Under this administration, however, the general validity and the particular provisions of the Great Deed of Grant were oftener at issue than the provisions of Charles's Charter.

Governor Dobbs, the third royal Governor, thought the Assembly, though in form representing the people, ought in substance to be only a piece of machinery for carrying into effect the will of the King as declared through the Governor, but he soon found that the people and their Assembly did not agree with him, and in 1761, toward the close of his administration, after many and violent struggles with the Assembly, he wrote home to England that the Assembly had openly set him and the King's written instruction at defiance, on the express ground "that their charter still subsisted," that the King's instruction differed from their charter, and that the latter and not the former was their rule of action. Indeed, so highly were chartered rights valued in North Carolina that the people of the Cape Fear, in public meeting assembled, on 21st July, 1774, set forth as one of the great grievances of the day, "that the charter of Massachusetts Bay was cruelly infringed." During Dobbs' administration frequent complaint was also made of the "spirit of republicanism in the Province" and of the systematic efforts on the part of the Assembly to engross power into their hands at the expense of the King and his prerogative.

When William Tryon, the fourth of the royal Governors, and perhaps the ablest of them all, assumed the reins of government he found the country in a tumult over the passage of the Stamp Act. Diplomat by nature as well as a soldier by profession, he was capable of acting with great prudence as well as firmness. His first Legislature he adjourned after a session of only a few days, nor did he permit another to assemble until he could announce the repeal of the obnoxious act—a period of near two years. But it availed nothing, for nowhere in the Province would the people obey the act. The pith of the Stamp Act trouble was the denial of the right of the British Parliament to tax the

Province. This right of taxation, they had for years contended, could be lawfully exercised under their charter only by their own Assembly. The right of the Assembly to control the purse of the Province, they asserted, was an hereditary right coming down to them from the charter and the exercise of which they had been born to from generation to generation. As early as 1716, when the Colony had been in existence barely fifty years, and the population all told, young and old, men and women, black and white was only some 8,000, when the Neuse was the frontier and the Cape Fear a howling wilderness, they entered upon the Journals of their Assembly, in so many words, the formal declaration "that the impressing of the inhabitants or their property under pretence of its being for the public service, without authority from the Assembly, was unwarrantable and a great infringement upon the liberty of the subject." As late as 1760 the Assembly formally declared that it was the indubitable right of the Assembly to frame and model every bill whereby aid was granted to the king and that every attempt to deprive them of the enjoyment thereof was an infringement of the rights and privileges of the Assembly. And in November, 1764, "taking into consideration his Excellency's speech," in which he had asserted prerogative very strongly, and in reply thereto the Assembly entered upon its Journal a peremptory order that the Treasurer should not pay out any money by order of the Governor and Council without the concurrence of the Assembly. Learning from his first experience the temper of the people when aroused, and desiring heavy appropriations, Governor Tryon soon began to use every art of the courtier to ingratiate himself with the Assembly, and he succeeded.

His successor, Governor Martin, the fifth and last royal Governor, was simply a soldier of the ram-rod pattern and of mean capacity, who could neither evade nor disobey the letter of his instructions, and the trouble that Tryon's diplomatic subserviency had avoided, at once broke out afresh, and then, too, the harvest of a century and more of seed-time was about ripe. Indeed, it may be said that Governor Martin's administration was a sort of residuary legatee of the bad blood and the bad government of half a century. The Province was burdened with a public debt so disproportioned to its resources that its financial condition was well nigh desperate. This debt was in great part the result of Tryon's extravagance, for Tryon was a liberal expender of provincial money. A very large part of it, however, some £75,000, ante-dated Tryon's coming to the Province. Without going into details, it is sufficient to say that during Dobb's administration the Province greatly impoverished itself by the repeated appropriations it made for its own defence and carrying on expeditions in conjunction with the other colonies in the seven years British war against the French and their Indian allies. The contributions on the part of North Carolina to the common defence, in view of her scant resources and in the light of subsequent events, were more generous than wise, perhaps, and certainly out of all proportion to the contributions of other Provinces; but then it has never been her habit to permit scanty means to dwarf patriotic impulse. It may, perhaps, not be inappropriate to call attention here to the fact that the regiment sent by North Carolina under the command of Colonel James Innes, of New Hanover County, to Virginia, and at her urgent appeal, to meet the French and Indians in the year 1754, were the first troops raised by any British colony in America to fight outside of its own borders and at

its own expense, in behalf of a common cause and in the general common defence. For this service £12,000 were cheerfully and promptly appropriated. And this was the beginning of a debt whose burden did much to break the back of Martin's administration. Another unhappy inheritance was the unsettled dispute between the Province and the Government, including the authorities in England, about the constitution of the Courts of Justice. The people, in substance, demanded an independent judiciary, and the Governor, under orders, vetoed every act of the Legislature having that end in view. Still another such legacy was the persistent vetoing, also under orders, of acts giving resident creditors the right to attach the property of foreign debtors. But perhaps the most grievous of all the burdens the Martin administration inherited was the difficulty about the currency. Of gold and silver the Province had none, and naturally enough, for she had neither mines nor mints and the balance of foreign trade was not in her favor to such an extent as to bring coin here from other countries. The paper money in the Province, Governor Tryon said, was not sufficient to pay taxes with. The natural remedy for this state of things, it would seem, was the issue of more paper money under proper limitations, by the Government; but in its way stood an act of the British Parliament, that the British merchants had had interest enough to have passed, forbidding the Province from issuing paper money. To this lack of a sufficient currency to meet the wants of the Province very many troubles were directly traceable—notably among which was the war of the Regulation. The iniquity of charging excessive fees was tenfold increased by the lack of money to pay them. Tryon had placated the Assembly and evaded the difficulty by assenting to bills passed for increasing the currency and making liberal promises to use his influence to secure their approval in England. He doubtless appreciated the necessity for such an increase and relying doubtless, also, upon his influence at home had the courage to disobey his instructions when it suited him. None of the currency bills became a law, however, and the trouble was left for Martin to encounter. In less than four years Martin was a fugitive from the colony and in the place of the royal Government was one of the people, for the people, and set up by the people.

It must not be supposed, however, that the people were content with argument alone, in the maintenance of their rights. Under the rule of the Proprietors, resort to force and violence was, it may be said, a common occurrence, almost the habit of the country, for many years. Under royal rule, scarce a decade passed that did not see the people up in arms to redress official grievances. At a very early day they came to the opinion they subsequently expressed at Hillsboro in 1788, to-wit: that "the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish and destructive to the good and happiness of mankind," and what is more, they acted upon it whenever occasion required.

The first outbreak under royal rule was brought about by the attempt of Governor Johnston to force the people to bring their rents to the collectors at places designated by the Government. In this connection it must be remembered that in those days the people did not own their lands in fee-simple as we do now, but were tenants and held them upon payment of an annual rent of so much per hundred acres. Owing to the lack of a sufficient currency, at a very early day laws were passed mak-

ing these rents payable in produce and collectable on the premises. The trouble began in 1735 and several years elapsed before it was ended. In the year 1737 the people thought forbearance had ceased to be a virtue, and having exhausted all peaceable means, began to resort to force. In that year, at the General Court at Edenton, a man was imprisoned for contempt of Court, but the people of Bertie and Edgecombe, which then covered substantially all the settled territory to the westward, hearing that he was imprisoned for refusing to deliver his rents at the appointed places, rose in arms to the number of 500 and marched on the town, intending to rescue the man by force from the Court, in the meantime cursing the King and uttering a great many rebellious speeches. When within five miles of Edenton they learned the truth, and that the man having made his peace with the Court, had been discharged from custody. The "mob" thereupon dispersed, threatening, however, "the most cruel usage to such persons as durst come to demand any rents of them for the future." This was the account of the affair the Governor himself gave, to which he added a declaration of his inability to punish them if they carried out their threats. The trouble did not end here nor for several years.

In 1746 this same Governor Johnston attempted to deprive the old counties of the province of their immemorial right to send five delegates each to the Assembly, and issued writs of election for only two members to the county. The result was that the old counties refused to regard his writs of election, and when they voted each voter put on his ballot the names of five men already agreed upon and the sheriffs so returned. The Legislature thereupon declared the elections void. But the people would vote in no other way, and in consequence the old counties for eight years were not represented in the Assembly, and not being represented, refused to pay taxes or to do any other act that recognized the authority of the Assembly. The new counties that sent only two members, seeing what the old ones were doing, said it was not fair to make them bear the whole burden of the Government, and they, too, refused to pay taxes. And this was the condition of the Province for eight years, at the end of which time full representation was restored. And the Governor was powerless to change it.

The good Bishop Spangenburg, who passed through these counties in the fall of 1752, six years after the trouble began, on his way from Pennsylvania to the up-country to locate lands for the Moravian settlement, gives a desperate account of affairs. Anarchy, he said, prevailed; the people would not acknowledge the Assembly in any way; no criminals could be brought to justice, though such crimes as murder and robbery were of frequent occurrence, for if the General Courts were opened no jurors would attend, and if any one was imprisoned the jail was broken open and the prisoner released; and in short most matters were decided by blows. The County Courts, however, were held regularly, he said, and all matters under their jurisdiction received the customary attention.

Doubtless the condition of affairs he found in the Albemarle country was a new revelation to the good Bishop as to the possibilities of life in America, for the people in North Carolina were not lovely to look upon in their ugly moods, but it is worthy of remark, that Bishop and good

man as he was, it did not for a moment shake or delay his purpose to make a great settlement for his church in the Province.

The last trouble than began under Johnston, had not ended before a new one was well on the way under Dobbs. This came about from the setting off to Lord Granville, by metes and bounds, his one-eighth part of Carolina, wholly : North Carolina. It stretched from the Virginia line on the north to the parallel of $35^{\circ} 34'$ north latitude on the south. The southern line ran near or through the old town of Bath, the present towns of Snow Hill and Princeton, along the southern borders of the counties of Chatham, Randolph, Davidson and Rowan, a little below the southern border of Catawba county, but not so low down as Lincolnton, and so on west. This was done in 1744. In a few years Granville's agents became great oppressors. Matters continued to go from bad to worse until the beginning of 1759, when the people, having, as usual, exhausted all peaceable remedies, again resorted to force. On the 24th January, 1759, a number of men, variously estimated, from Edgecombe country, which then included the present counties of Halifax, Nash and Wilson, went to the house of Colonel Francis Corbin, who was Granville's chief agent, and lived near Edenton, seized him and carried him by night to Enfield, then the county-seat of Edgecombe, and obliged him to give a heavy bond to return at the following Spring Term of Court and disgorge all the fees he had unjustly taken. The Attorney-General, too, was unhappy, and made oath that he had heard that a great number of the "rioters" intended to petition the Court at Granville to "silence him," and if this was not done to "pull him by the nose and also to abuse the Court." During this time also, one Haywood, a subordinate of Corbin, who had been absent, returned home and died suddenly and was there buried. The people thinking the report of his death was a falsehood, concocted and spread abroad to prevent his prosecution in the Court, went to his grave in a body and dug up and inspected his remains. Finding the man was really dead, the people went home without further disturbance. In time a few of the "rioters" were arrested and put in the jail in Halifax, but on the next day their comrades, having learned the fact, went to the jail in open day, broke down its doors and released the prisoners. And Governor Dobbs was utterly powerless for the vindication of the law.

The next serious trouble grew out of the opposition to the notorious Stamp Act. This was an act of the British Parliament requiring everything to be stamped just as has been the case here under the Internal Revenue System. The stamp masters were seized and forced to swear they would have nothing to do with the stamps, and it being known when the vessel bringing the stamps would come up to Wilmington, Colonels Ashe and Waddell, having called out the militia from Brunswick and the adjoining counties to the number of some 700 men, seized the vessel and held her until her commander promised not to permit the stamps to be taken from her. Tryon, the new Governor, was a prisoner in his own house and utterly powerless. Nor was this all. The royal sloop *Viper*, then on duty in the river, having seized several vessels for want of stamped papers, the inhabitants of Wilmington entered into an agreement not to supply his Majesty's ships with provisions until such seizures were stopped; and the boatmen sent for supplies were put in jail. This

agreement was carried out until the *Viper*, after being entirely without rations for a day or two, was driven to terms and stopped her seizures. This was in the winter of 1765-'66.

There was neither disguise nor concealment about all this. Everything was done in the broad open day, by men perfectly well known, and in the very presence of the Governor, as it w

The next outbreak was the war of the Regulation, which, beginning in 1766, did not end until the battle on the Alamance on the 16th of May, 1771. The extent of this trouble will be better appreciated when it is known that the number of men who came into the different camps and took the required oaths of submission after the battle amounted to 6,409. Including, therefore, sympathisers not sworn, and the women and the children, the population involved must have been at least 40,000; that is to say, the great body of the people east of the mountains and west of what is now Wake county. But not even this statement gives a correct idea of the extent to which disaffection had gone. Governor Tryon said, as early as 1768, the insurgents throughout the country considered Orange as the heart of the movement, and wanted to see what the result there would be. Had the Regulators triumphed there, thousands in other parts of the Province, he said, would have declared for them and "civil government in most of the counties in the Province would have been overturned."

Our records show indisputably that resistance to oppression was at the bottom of each one of these troubles, and that in no case was violence resorted to until every peaceable expedient had been exhausted. These events, covering so many years and such a wide extent of territory and coming so close together, one following directly upon the heels of the other, are not to be viewed as separate, casual, sporadic, isolated outbreaks, but as a connected series, similar in their nature, akin indeed, both in origin and development, like causes producing like results; and a knowledge of their history is absolutely necessary to a right understanding of the character of the people among whom they occurred. But their history, like that of events generally in the colony, shows indisputably that the people of North Carolina, though upon occasion quite given to force and to violence, were not mere lawless rioters who loved strife for strife's sake and preferred violence to peaceful measures. On the contrary, there was much method in their madness and cool, deliberate system in their force, to which they resorted only after argument had been exhausted. Each one of the troubles mentioned exemplifies this, the Rent trouble, the Legislative representation trouble, the Granville District troubles, or the Enfield riots, as they were called, the Stamp Act trouble and the war of the Regulation. Of this last it is eminently true that all peaceable remedies had been tried and had failed before anything like organized force was used.

With such a record back of her, with a century of almost unbroken struggle for the maintenance of a fixed constitutional government against arbitrary government, the details of which time will not permit to be gone into, with every form of arbitrary government, and every phase of oppression familiar to her, is it a matter of surprise that North Carolina scrutinized carefully and deliberately the provisions of the Constitution

of the new Supreme Government to which she was asked to bind herself? The seven years of war through which she had passed would have been little worth if she was only to exchange one tyrant for another—one oppressive government for another. Her purpose had been to get rid of tyranny and oppression in every shape, and the only hope for this blessed consummation, their long struggle had taught her sons was in a fixed, known, written Constitution, that should have in itself no seeds of evil.

Such men with such experience would naturally be slow to bind themselves to a written Constitution before giving its provisions the closest and most jealous scrutiny, for they knew its power, whether for good or for evil, and they would be still slower to bind themselves to one whose provisions were unsatisfactory to them.

2. *Was the Province ready for the Revolution?*

And now a word as to the condition of the Province when the Revolution came. The greatest difficulty here, perhaps, is to determine when the Revolution did actually begin in North Carolina, for, as we have seen, resistance, rebellion and insurrection, more or less organized and of greater or less extent, were things to which she was by no means unaccustomed. Confining the term Revolution, however, to that period of the resistance to British authority subsequent to the enactment of the Boston Harbor Bill, I proceed to give some of the facts that show how North Carolina felt in the premises.

The year 1774 found North Carolina in full correspondence with the other Provinces through her committee of the Assembly appointed for the purpose. In the spring of that year Governor Martin, foreseeing concert of action among the Provinces, determined to prevent North Carolina from being represented in any Continental Congress that might be called. The orthodox way of appointing delegates to such bodies being by election by the Assembly, Governor Martin, having dissolved the existing Assembly on 30th March, thought he had the matter in his own hands and determined, in imitation of the course of Governor Tryon in 1765 in reference to the New York Congress of that year, not to allow any Assembly to meet until matters were in better shape. This determination on the part of the Governor, his private secretary, whether designedly or inadvertently does not appear, communicated to Colonel John Harvey, then Speaker of the Assembly. Harvey's reply to this was, "Then the people will convene one themselves." On the 3d April Harvey conferred with Willie Jones and on the 4th with Samuel Johnston and Colonel Buncombe, at the house of the latter. He was in a very violent mood, says Johnston in a letter written to Hooper on the next day, and declared he was for assembling a convention independent of the Governor, that he would lead the way and issue hand-bills under his own name, and that the committee of correspondence of the Province, of which he was chairman, ought to go to work at once. On the 21st July, 1774, a circular-letter written by direction of a General Meeting of the inhabitants of the District of Wilmington was sent to the several counties in the Province inviting them "to send deputies to attend a General Meeting at Johnston Court-house, on the 20th August," for the election of delegates to a General Congress of the Colonies, and in general, for the consideration of ways and means to avert the evils threatening the American Colonies. Upon conference, however, the place of meeting

was changed from Johnston Court-house to New-Bern and the time from the 20th to the 25th August. In accordance with this plan hand-bills were duly issued asking the people to elect delegates, "with powers obligatory on the future conduct of the inhabitants," to a convention to express their sentiments "on acts lately passed by the Parliament of Great Britain and to appoint delegates to represent the Province in a Continental Congress."

The elections were held and the convention met at the time and place appointed in spite of Governor Martin's proclamations. This body was the first purely popular representative Assembly that ever met in the Province. It appointed three delegates to attend a General Congress to be held at Philadelphia, denounced the attack upon Boston, promised "to contribute to the extent of their ability to ease the burthen imposed upon that town," to stop imports from England after 1st January, 1775, and provided that the Moderator should call another convention whenever it became necessary.

It is submitted that the above programme could not have been carried out in a Province that was not ready for the Revolution.

Meanwhile during the summer and fall, Committees of Safety had been organized in different parts of the Province, and Committees of Safety in those days were by no means mere ornamental bodies. Their powers were practically political, legislative and judicial, for they determined not only what acts and opinions constituted a man "an enemy of his country," and perhaps not always with entire precision, but also whether the party "suspected" was guilty or innocent. And woe unto that man whom the committee declared to be an enemy to his country.

Governor Martin, finding himself foiled in his scheme to prevent the Province from sending delegates to Philadelphia, issued writs for a new Legislature to meet in New-Bern on 3rd April, 1775. The Legislature did, indeed, meet there at the appointed time, but in such a frame of mind that on the morning of the 8th the Governor issued a proclamation dissolving it forthwith, and thus ended the last legislative body in North Carolina under royal rule. In less than twenty days the Governor, having sent his family to New York, was a fugitive, flying for his liberty, if not his life, to the sea-coast below Wilmington; taking refuge first at Fort Johnston and from there going aboard of the sloop of war *Cruizer*, where he remained for the few remaining weeks during which he pretended practically to any authority as Governor of North Carolina. It is submitted that Martin's enforced abandonment of the government more than a year before the Philadelphia Declaration, is no slight testimony to the readiness of the Province to meet a revolution whose end was to be a final overthrow of royal government within its borders.

On the 11th February, 1775, Harvey issued a proclamation for the election of delegates to another Convention, to Congress, as such bodies were thenceforth called, to meet at the same time and place appointed, by Martin for the meeting of the Legislature. This proclamation was met by a counter proclamation from the Governor, but to no effect, for the delegates were duly elected and the Congress met. The proceedings of the Continental Congress were formally approved, including the celebrated Association entered into at Philadelphia on 20th October, 1774. All the delegates, with a single exception, then signed the Association.

On the 20th May, 1775, the "horrid resolves" of the people of Mecklenburg were put forth. In June of the same year associations were entered into on the Cape Fear and other sections, in which the signers united themselves "under every tie of religion and honor in defence of the country against every foe, and solemnly engaged that whenever the Continental or Provincial Councils should decree it necessary they would go forth and be ready to sacrifice their lives and fortunes to secure her freedom and safety." Do these things look as if the Revolution had struck the Province unawares or unprepared?

It must be remembered in this connection that North Carolina had no special material interest in the immediate cause of the movement against Great Britain. The shutting up of the port of Boston manifestly would not injuriously affect the port of Wilmington, but on the contrary would in all probability increase its trade.

It appears, therefore, that North Carolina united with Massachusetts and the other colonies not from any particular interest in the premises, but on principle, and that when she said the cause of Boston was the cause of all, she meant to avow her readiness to resist British oppression wherever it might show itself in America, and that she really meant what she said, the event demonstrated. The merchants of Wilmington dispatched one of their own vessels with provisions and supplies, without even freight charges, to the relief of the people of Boston who had come to much suffering because of the loss of their trade. Nor was Wilmington the only point in North Carolina from which relief was sent to Boston. The little scrap of paper I hold in my hand tells its own story. Though yellow with the dust and stains of more than a hundred years, it speaks trumpet-tongued of the generous patriotism of North Carolina in that day. It reads as follows:

ADVERTISEMENT.

NEW-BERN, January 27, 1775.

PUBLIC NOTICE is hereby given, that *Mr. John Green*, and *Mr. John Wright Stanly*, Merchants in New-Bern, have agreed with, and are appointed by, the Committee of Craven County, to receive the subscriptions which is now or may hereafter be raised in the said County, for the relief of the distressed inhabitants of Boston and to ship the same to the port of Salem as soon as the several subscriptions are received.

Proper stores are provided by the said gentlemen for the reception of Corn, Pease, Pork and such articles as the subscribers may choose to pay their subscriptions in.

Those gentlemen, therefore, who have taken in subscriptions either in money or effects are desired to direct the same to be paid or delivered to the above-named Mess. Green and Stanly on or before the middle of March next; and to send as soon as possible an account of the subscriptions which are or may be taken by which they may be governed in receiving.

R. COGDELL, Chairman.

But suppose it had been the port of Wilmington instead of the port of Boston that had been closed, would Massachusetts have rung with the cry that the cause of Carolina is the cause of all? Certainly it did

not look so about the time of the notorious Hartford Convention, and possibly at other times since.

On the 20th August, 1775, the third Congress of the Province met at Hillsboro, at the call of Samuel Johnston, Col. Harvey having recently died, and a wiser body of men perhaps never assembled together in this or any other Province. The Congress was in session just 20 days, and in that time measures were perfected for raising troops, including the appointment of their officers, and for raising money. To know exactly their strength a census was ordered to be taken. Looking forward to a long war, with blockaded ports, liberal bounties were offered for the production at home, not merely of the munitions of war, but of the manufactures necessary to home-life. How far they went in this direction will be seen from the following list of bounties they offered:

For every hundred weight of saltpetre.....	£ 25
For first five hundred weight gunpowder.....	200
For first rolling and slitting mill for preparing iron to make nails	250
For first fifty pairs cotton cards.....	50
For first one hundred pairs woollen cards	50
For first twenty-five dozen pins	50
For first 25,000 needles.....	50
For first steel furnace.....	100
For first paper mill.....	250
For first twenty-five yards best linen	50
For first best woollen cloth.....	100
For first salt works on the sea shore	750
For first furnace for pig iron and hollow iron.....	500

The troops raised by the Congress consisted of two regiments of Regulars and five battalions of Minute-men, one for each of the districts into which the State was divided, each battalion consisting of ten companies of fifty men each. In addition to this the militia was put on a war footing as far as possible.

Not only was every function of government exercised by the Congress; but then and there it proceeded to provide for the future by the erection of what in this day would be called a provisional government, with ample powers and a full complement of officers. In its action in this regard the Congress evidently had in mind the action of the British Parliament in supplanting King James with the Prince of Orange. The Parliament, in order to make a vacancy for William to fill, declared that James had "abdicated" the throne, when in truth there was nothing further from his intention than that. The Congress at Hillsboro said there was a "Silence of the Legislative Powers of Government," and ascribed it "to his Excellency the Governor refusing to exercise the Functions of his Office by leaving the Province and retiring on Board a man-of-war, without any Threats or Violence to compel him to such a measure." The impudence of this is simply sublime. Governor Martin was at the time actually in the Province. He had left New-Bern, the seat of government, under circumstances that, to say the least, made his departure expedient. The "horrid resolves" of Mecklenburg had been published to the world. He had been denounced as an inciter of slaves to rebellion against their masters, as an enemy of America in general and of North Carolina in particular, and, indeed, almost as *hostis*

humani generis. Colonel Ashe, with a regiment of Cape Fear men at his back, had forced him literally "to take water" and go aboard the *Cruizer*; and finally his proclamation, denouncing both the election of the delegates and the meeting of the Congress, had, by order of the Congress, been burned by the common hangman. And this is what the Congress called refusing to exercise the functions of his office and leaving the Province! A "silence of the legislative powers" of government being thus ascertained, the Congress proceeded to break it with clank of sabers, with the rattle of musketry and roar of cannon, with horse, foot and dragoons, and for seven years they kept up the racket. To say nothing of its unblushing untruth, nothing can equal the impudence of this performance—perhaps it would be more becoming to say the grim humor of it—save to shower a man with cologne and then to hang him for smelling sweet! Sending Caswell and Maurice Moore, however, to tell the Regulators they were not bound by their oaths of submission was almost as good.

And yet, though we hear much about the talk at Mecklenburg in May, we hear little or nothing about the action at Hillsboro in August. It must be remembered, too, that the Congress at Hillsboro was composed of delegates fresh from the people, with credentials not thirty days old; that no one was taken by surprise, but, on the contrary, that everybody knew, to use Governor Martin's own words, "that the assembling a convention at Hillsboro would bring the affairs of the country to a crisis," while at Mecklenburg the people were excited beyond control by the unexpected arrival of a courier with the news of the affair at Concord. At Mecklenburg, in May, the people of a county talked independence; at Hillsboro, in August, the people of the whole Province deliberately and resolutely acted it. And yet there be men who do not credit the talk at Mecklenburg. But reasoning backward from Hillsboro to Mecklenburg, what is there to be surprised at in Mecklenburg?

The measures for the raising of troops were executed with such dispatch that in less than sixty days after the adjournment of the Congress Colonel Howe, with the first regiment of Regulars, was near Norfolk, in Virginia, defending that State against the British, under Lord Dunmore. How well our brethren over the northern line appreciated his services will appear from the following resolution, unanimously adopted on 22d December, 1775, by the Virginia Convention, then in session at Williamsburg, to-wit:

"Resolved unanimously, That the thanks of this Convention are justly due to the brave officers, gentleman volunteers and soldiers of North Carolina, as well as our brethren of that Province in general, for their prompt and generous aid in defence of our common rights against the enemies of *America* and of the British Constitution; and that the President be desired to transmit a copy of this resolution to Colonel Howe."

Nor was this all. At the same time that we were taking care of ourselves and sending a regiment of Regulars to help the Virginians, we sent Colonels Martin, Polk and Rutherford, with near 1,000 men of other troops to South Carolina to put down a rising of Tories there that was too strong for our Southern neighbors to manage. It will be seen from the above that North Carolina was the first to send troops beyond her borders for the common defence against the British, just as twenty years before she had been the first to send them beyond her own borders for the common defence against the French and Indians. And by a singular coincidence in both instances she sent troops to Virginia. All this was

six full months before the Philadelphia Declaration of Independence. Does it not look as if North Carolina was ready for revolution, or war, or something? The Continental Congress evidently thought so, for John Penn, one of our delegates there, wrote to General Thomas Person, under date of 14th February, 1776, saying: I have the pleasure to assure you that our Province stands high in the opinion of Congress. The readiness with which you marched to Virginia and South Carolina hath done you great credit."

Entertaining the opinion about the Regulators that I have entertained from my first knowledge of events, I may be pardoned for leaving my immediate subject long enough at this point to call attention to the fact that the Congress at Hillsboro, on the very first day of its session, formally and, with a great big capital R,

Resolved, That the late Insurgents [meaning the Regulators!] and every of them, ought to be protected from every Attempt to punish them by any means whatsoever, and that this Congress will, to their utmost, protect them from any Injury to their Persons or Property which may be attempted on the Pretence of punishing the said late Insurrection, or anything in consequence thereof.

It was also

Resolved, That Mr. Maurice Moore, Mr. Caswell, Mr. Thomas Person, Mr. William Kennon, Mr. Knox, Mr. Locke, the Rev. Mr. Patillo, Mr. Bourk, Mr. Hunt, Mr. Benjamin Harvey, Mr. Thomas Jones, Mr. Penn and Mr. George Moore be a committee to confer with such of the Inhabitants of this Province who entertain any religious or political scruples with Respect to associating in the common cause of *America*, to remove any ill Impressions that have been made upon them by the artful Devices of the Enemies of *America*, and to induce them by Argument and Persuasion, heartily to unite with us for the Protection of the Constitutional Rights and Privileges thereof.

But what a vast amount of cheek, to use the expressive slang of the day, it must have required for Maurice Moore and Caswell and Patillo to attempt to persuade the Regulators that the oaths they had been forced to take at the point of the bayonet after the battle of Alamance were not binding on their consciences! Patillo was one of the Presbyterian divines who in 1768 united in a pastoral letter to the people of their faith denouncing the Regulators as criminals; Caswell's ~~bayonets~~ had forced the oaths down their throats, and Moore had declared twelve of the Regulators, when on trial before him for being in the battle, to be guilty of treason and had sentenced them to be hung, and six of them were hung.

On the 27th of February, 1776, was fought the battle of Moore's Creek Bridge. This battle was the culmination of the very brilliant campaign of near a month's duration under Col. James Moore, of the Second Regiment of Regulars, that brought to such a sudden termination the well-digested and formidable plan for the invasion and subjugation of North Carolina under the auspices of General Clinton and Governor Martin. The troops that took part in the campaign were drawn from above Greensboro to the westward and from below New-Bern to the east, points some 200 miles apart. There were mounted men, infantry and artillery engaged in the campaign. The first order issued bore date the 3d Feb-

ruary, and the campaign closed victoriously on the 27th. The immediate field of operations was from Fayetteville to Moore's Creek Bridge, some 60 miles up and down the Cape Fear. The troops actually engaged in the battle numbered about 1,000 men. The enemy were variously reported as being from 1,500 to 3,000 in number. "Fifteen hundred rifles, all of them excellent pieces; 350 guns and shot bags; 150 swords and dirks; 2 medicine chests immediately from England, one valued at £300 sterling; 13 wagons with complete sets of horses; a box of Johannes and English guineas amounting to £15,000 sterling, and 850 common soldiers were among the trophies of the field."

Bancroft says that "in less than a fortnight more than 9,400 men of North Carolina rose against the enemy, and the coming of Clinton inspired no terror. * * * * * Virginia offered assistance, and South Carolina would gladly have contributed relief; but North Carolina had men enough of her own to crush the insurrection and guard against invasion; and as they marched in triumph through their piney forests they were persuaded that in their own woods they could win an easy victory over British Regulars. The terrors of a fate like that of Norfolk could not dismay the patriots of Wilmington; the people spoke more and more of independence; and the Provincial Congress at its impending session was expected to give an authoritative form to the prevailing desire."

And all this was done in a country without a railroad, without a steam-boat, without a telegraph, and even without mails, and that, too, with as little excitement and confusion and with as much promptness and ease as if war had been our normal condition. There was not a hitch or a break in any combination or arrangement that was made, but everything went like clock-work. It is wonderful to think of, scarcely credible to us of the present day, who have seen something of war and the difficulties in the way of successful combination, even with modern facilities and under the most favorable circumstances. And this was done full four months before the Philadelphia Declaration. Is not the testimony it bears conclusive?

Later in the same year we sent Colonel Rutherford, with over 2,000 men, against the "Over-hill" Cherokee Indians. He crossed the Blue Ridge at Swannanoa Gap, went down the French Broad to War Ford, where he crossed it, then up Hominy Creek, then across Pigeon to the Tuckaseege, and thence across the Cowee Mountain to the Tennessee River. He destroyed thirty-six towns, destroyed even their growing crops and drove off their cattle.

During the first months of the year 1776 the Continental Congress was almost at a standstill, unwilling, indeed, to recede, yet seemingly reluctant to go forward and take the final plunge. Talk about liberty and freedom was plenty enough, but when it came to the irrevocable act of separation and the measures necessary to accomplish it the Continental Congress, very naturally, perhaps, dallied and dawdled and hesitated. Delegates, too, differed, or said they differed, as to the next step; some contending that a declaration of independence ought to come first, others that foreign alliances ought first to be made. The advocates of the latter course said that while it was easy enough to declare independence it would be very difficult, if not impossible, to accomplish it by their own

unaided efforts. The question of forming foreign alliances became a burning one; to make them was palpable treason; not to make them was failure. The next step unquestionably would put in jeopardy certainly their fortunes and possibly their "sacred" lives as well.

At this juncture the matter was brought to the attention of the people in North Carolina.

On the 14th February, Mr. Penn, one of the delegates to the Continental Congress, wrote to Thomas Person, a member of the Provincial Congress, saying: "Matters are drawing to a crisis. They seem determined to persevere and are forming alliances against us. Must we not do something of the like nature? Can we hope to carry on a war without having trade or commerce somewhere? Can we ever pay any taxes without it? Will not our paper money depreciate if we go on emitting? These are serious things, and require your consideration. The consequence of making alliances is, perhaps, a total separation with Britain, and without something of that sort we may not be able to procure what is necessary for our defence. * * * If you find it necessary that the Convention should meet sooner than May let us know of it, as I wish to return at that time."

On the 3d March the Provincial Council, Thomas Person being one of its members, ordered the next session of the Congress to be held at Halifax on the 2d April. On Thursday, the 4th, the Provincial delegates met. On the evening of Sunday, 7th April, the Philadelphia delegates reached Halifax. On Monday, the 8th, Messrs. Cornelius Harnett, Allen Jones, Thomas Burke, Abner Nash, John Kinchen, Thomas Person and Thomas Jones were appointed a special committee to take into consideration "the usurpations and violences attempted and committed by the King and Parliament of Britain against America, and the further measures to be taken for frustrating the same and for the better defence of the Province." The committee was an exceptionally strong one, every member of it having a notable record, unless it be Mr. Kinchen, of Orange, about whom not much is now known, save that he was a lawyer and lived in Hillsboro. The fact, however, that he was put upon that committee is strong proof that he was a strong man, for it was a committee upon which there was no room for mere figure-heads. On Friday morning, the 12th, the committee reported as follows:

"It appears to your committee that pursuant to the plan concerted by the British Ministry for subjugating America, the King and Parliament of Great Britain have usurped a power over the persons and properties of the people unlimited and uncontrolled, and disregarding their humble petitions for peace, liberty and safety, have made divers legislative acts denouncing war, famine and every species of calamity against the continent in general. The British fleets and armies have been and are still daily employed in destroying the people and committing the most horrid devastations on the country. The Governors in different colonies have declared protection to slaves who should imbrue their hands into the blood of their masters. That the ships belonging to America are declared prizes of war and many of them have been violently seized and confiscated. In consequence of all which multitudes of the people have been destroyed or from easy circumstances reduced to the most lamentable distress.

"And whereas the moderation hitherto manifested by the United Colonies and their sincere desire to be reconciled to the mother country

on constitutional principles have procured no mitigation of the aforesaid wrongs and usurpations, and no hopes remain of obtaining redress by those means alone which have been hitherto used, your committee are of opinion that the House should enter into the following resolve, to-wit:

Resolved, That the delegates for this Colony in the Continental Congress be empowered to concur with the delegates of the other Colonies in declaring Independence, and forming foreign alliances, reserving to this Colony the sole and exclusive right of forming a Constitution and Laws for this Colony and of appointing delegates from time to time (under the direction of a general representation thereof) to meet the delegates of the other Colonies for such purposes as shall be hereafter pointed out."

And thereupon, as the Journal of Congress states, the resolution was unanimously adopted.

This was the first authoritative, explicit declaration, by more than a month, by any Colony in favor of full, final separation from Britain and the first like expression on the vexed question of forming foreign alliances. It is in commemoration of this fact that our State flag bears upon its field the legend, "12th April, 1776."

North Carolina, already an independent sovereignty under a government of her own creation, was more solicitous about continuing the separation between herself and the mother country than about any order of precedence in the ways and means leading thereto. In order however that there might be no doubt in the premises, her Congress covered the whole ground by declaring not merely for independence, but in a plain, manly way for the only means in sight of making it good.

Does not all this look as if North Carolina was ready for the Revolution, ready to do whatever the exigency of the occasion demanded—ready to do anything, in fact, save to abandon the cause? Need any further testimony be cited?

And here, perhaps, I might close this address. To do so, however, without some reference to some of the men who were leaders in those days would, to me, at least, be very unsatisfactory. Especially is this true as to four men whose careers, though they came to an end before the Revolution began, yet unquestionably led up to it. Each was a marked man in his day and generation, and no two of them played precisely the same *role*. Together they covered three-quarters of the last century. Their names were, and I give them in point of time, Edward Mosely, John Starkey, Hugh Waddell and John Harvey.

COLONEL EDWARD MOSELEY.

Of the nativity, parentage and early life of Edward Mosely scarcely anything whatever is known with certainty. Doubtless, however, he was a native of Virginia, and almost certainly he received his education, and a good one it was, in his youth; and doubtless, also, he came to North Carolina in early life.

His first appearance upon the records that have come down to us is as a member of the Council in the year 1705. He was then a householder, and the Council met at his house. How long he had been a member of the Council does not appear, this being the first record of that body that has come down to us. From that time to the day of his death he was continuously in the public service, in some high office or employment.

In 1708 he was elected to the Assembly of that year, chosen to decide between the claims of Cary and Glover to the Governorship, and was made Speaker of that body. From that time until 1734, when he became a member of the Council by royal appointment, and as such a member of the Upper House of the Legislature, he was almost constantly a member of the Assembly or Lower House, and when a member invariably its Speaker. He was also Surveyor General of the Colony, and for near twenty years one of the Commissioners in behalf of North Carolina in her famous controversy with Virginia about their boundary line. He was also one of the commissioners that ran the line between North and South Carolina, Chief Baron of the Exchequer, and Associate Justice and Chief Justice of the General Court of the Province. Meanwhile, he was also the foremost lawyer in the Province, an active member of the vestry in his Parish and ever a friend of learning. The list of books he gave to found a Provincial Library in Edenton is still extant. He was also one of the Commissioners that ran the line between Lord Granville's possessions and the King's domain in the Province. His last public service was as a member of the commission to revise the laws of the Province. He died on the 11th July 1749.

As has been well said of him*: "Of all the men who watched and guarded the tottering footsteps of our infant State, there was not one who, in intellectual ability, in solid and polite learning, in scholarly cultivation and refinement, in courage and endurance, in high Christian morality, in generous consideration for the welfare of others, in all the true merit, in fine, which makes a man among men, could equal Edward Moseley."

And yet it is to no one of these qualities, nor to all of them, that the great debt of gratitude North Carolina will ever owe to him is due, but to his undying love of free government, and his indomitable maintenance of the rights of the people. Doubtless no man ever more fully realized than he that eternal vigilance is the price of liberty, nor was there ever upon any watch-tower a more faithful sentinel than he. And to him, above all others, should North Carolina erect her first statue, for to him, above all others, is she indebted for stimulating and keeping alive that love of liberty regulated by law, and that hatred of arbitrary government that has so long characterized her people.

In him, arbitrary and oppressive government ever found a bold, prompt and effective opponent. Not a mere brawling demagogue, by any means, but a true patriot who knew the rights of the people, who knew how to assert them and feared not to do it. Happily for our State, he came to the front in the formative period of her existence, and, so far as her records show, did more than any man ever within her borders to give shape and direction to the character of her people. It was under his lead that the Assembly, in 1716, in a formal resolve, told the Governor and his Council, "that the impressing of the inhabitants or their property under pretence of its being for the public service, without authority from the Assembly, was unwarrantable, and a great infringement of the liberty of the subject." The man who, at that early day, in the wild woods of America, could formulate that resolve, and the people whose Assembly could fling it in the face of the government, were worthy of each other.

*A Study in Colonial History. Hon. George Davis.

And surely it is no mean tribute to the character of a man so beloved by the people, that upon all important occasions, when honesty, ability, and courage were specially required to further the interests of the Province, the Government, also, called his services into requisition.

The name of Moseley will never be without honor in North Carolina so long as time and gratitude shall live.

COLONEL JOHN STARKEY.

Among the many men who contributed to the discomfort of Governor Dobbs during his stay in North Carolina, Colonel John Starkey, of Onslow county, was one of the most conspicuous, for he was both a public treasurer and an avowed republican. He was a man of good fortune and integrity, and was very much liked and esteemed by the people. He was executor of most people who died near him, having won public confidence "by his capacity and diligence, and in some measure from his garb and seeming humility, by wearing shoe-strings, a plain coat, and having a bald head." But, in spite of all this, Governor Dobbs said he was the most designing man in the Province; that he was a "professed, violent republican, in every instance taking from his Majesty's prerogative and encroaching upon the rights of the Council and adding to the power of the Assembly to make himself popular"; that getting into the Assembly, he "continued to make himself popular by opposing all taxes that did not turn out to his profit, and by attempting to gain power to the Assembly at the expense of his Majesty's rights," and that finally he made himself strong enough to induce the Legislature to appoint him one of the treasurers of the Province without any limitation as to term of office, a circumstance that greatly increased his power, which he hesitated not to use against the Crown. Being treasurer, he had charge of the payment of the allowances to the members for their attendance, which he could advance or delay, as to him seemed best, so that all unstable, impecunious members who wanted a supply "followed him like chickens," and he swayed the House against the most sensible members of it. As an instance of the control Colonel Starkey wielded, Governor Dobbs said it was through his influence that the Assembly refused to give a proper salary to a storekeeper at Fort Johnston, though recommended to them by his Majesty in Council because they did not have the selection of the man. For this and other contumacious acts the Governor took from him his commission both as magistrate and as Colonel of Militia.

The above is the portraiture by Governor Dobbs of a man whom our records show the people of North Carolina long held in the highest honor; not, indeed, because of the humility of his garb, for other men who were not so singular in their dress were also honored and loved, but because of his sterling qualities, both of head and heart. That he was guilty of avowed republicanism many years before republicanism ceased to be considered a crime there seems no reason to doubt, and thus confessedly guilty, he was honored and confided in by the people, is beyond question; and this doubtless was the head and front of his offending. And just here the question arises, if the people of North Carolina thus openly and persistently honored and rewarded, for the treasurer's place was the most lucrative in their gift, an avowed republican, how far were they too

tainted with republicanism? All that we can say is that for near thirty years he represented the county of Onslow in the Assembly; from the year 1739, for near thirty years, with this known character, he was one of the foremost men in the State and honored as only the best men of his generation were honored. Whatever they may have thought of his principles, for the sturdy old republican himself the people evidently had a great liking.

There is more in Governor Dobb's comment on Colonel Starkey's dress than appears at the first glance. If Colonel Starkey played the demagogue by having a bald head and using plain coats and shoe-strings, it is apparent that the custom of the country for men in his station in life was to dress differently. When he said Colonel Starkey had a bald head, Governor Dobbs, being an Irishman, doubtless meant that he wore his own hair; that is to say, that he did not wear one of the big wigs in style in that day. So, too, if wearing a plain coat and using shoe-strings distinguished him for humility in the class to which he belonged, then lace coats and shoe-buckles were the prevailing wear of those not so distinguished. And so in this incidental way we get information, not merely as to the personal habits of one of the most noted men in his day and generation in the Province, but also as to the modes of dress that obtained amongst our ancestors and the extent to which the more pretentious styles were worn.

GENERAL HUGH WADDELL.

In 1754 appears for the first time on our records a name that soon became as familiar as a household word in the Province—the name of Hugh Waddell. In that year he was sent as a Lieutenant in Colonel Innes's Regiment to Virginia, and there made a Captain. In 1755 he was sent with a company to the North Carolina frontiers and built Fort Dobbs, of which he retained the command for several years. In 1756, as Commissioner from North Carolina in conjunction with Peyton Randolph and William Byrd, Commissioners from Virginia, he negotiated treaties with the Cherokees and Catawbas. He was then barely twenty-one years old. In 1758, having been promoted to be Major, he went to Virginia with three companies and took part in the expedition against Fort Duquesne under General Forbes. In this expedition he distinguished himself very much, not merely for great personal courage, but for great skill as an Indian fighter as well. In the spring of 1759 he was promoted to be a Colonel and again given charge of the frontiers, with power to call out the militia of Orange, Rowan and Anson, that is to say, the entire middle and western portions of the Province, whenever occasion might require. Later in the same year he commanded the North Carolina contingent of troops in the expedition against the Cherokees under Governor Lyttelton, of South Carolina. In February, 1760, he was again at Fort Dobbs and present at the Indian attack on that place. That he took no part in the expedition under Colonel Montgomery against the Cherokees in June of that year was doubtless due to the fact that Governor Dobbs having refused to accept the appropriation offered him by the Assembly no provision was made for raising troops in time for it. Before the summer passed, however, the emergency became so great as to swallow up every other consideration, and an ample appro-

priation having been offered and accepted, Colonel Waddell was given four independent companies, in addition to the frontier militia under his command, for the protection of the settlers. In 1761 he commanded the North Carolina contingent of the troops in the campaign in which the power of the Cherokees was finally broken and peace restored to the frontiers. In 1765, in conjunction with Colonel John Ashe, he raised the militia of the Cape Fear, seized the vessels bringing in the stamps, and forcibly prevented their distribution. In 1771, as General commanding the troops raised in the west, he took part in the campaign against the Regulators. On the 9th April, 1773, he died at Castle Haynes in his 39th year.

General Waddell was born in Lisbon, County Down, Ireland. His parents were Hugh Waddell and Isabella Brown. His father, like Dobbs, and like Rowan, was a member of a well established family in the north of Ireland, but on account of the fatal result of a duel in which he was engaged he spent several years in Boston, Massachusetts, with his young son. He then returned to Ireland and not long afterward died. He was a friend, according to tradition, both of President Rowan and Governor Dobbs. The attraction for young Waddell in North Carolina was doubtless the opening for military service the Province presented at the time of his coming over, which seems to have been in the early part of the year 1754, an attraction that was heightened by family interest with both the acting Governor Rowan and the expected Governor Dobbs. He was then not twenty years old. In this connection it must be remembered that for some time North Carolina was the only Province that went to the help of Virginia against the French and Indians.

General Waddell was evidently a born soldier and, though so young, doubtless trained and disciplined, though there is nothing to show where he got his training, if any he had, before serving under Colonel Innes. But whether trained or not, wherever firing was to be heard there young Waddell was shure to be, and certainly as an Indian fighter he was without an equal in the Province. Physically he was a powerful man, of large stature, having not only unusual length of limb but great breadth of chest, activity, strength and endurance in a rare degree. He was, too, a man of no ordinary mental calibre, fertile in resources and quick and ready in making use of them. Many traditions remain showing the personal character of the man.

For seven years, covering all the Indian troubles, he lived and fought on the frontiers and was the leader and commander, *facile princeps*, in meeting every danger, so that the country and the people were alike familiar to him. And that the people were accustomed so long to fight under him, that they loved him and had confidence in him, explains why it was that ten years nearly after he ceased to live among them he was able to raise troops there so easily when sent by Tryon to rouse the country for the campaign against the Regulators. He had been "through the war" with the frontiersmen, as we would say in this day, a seven years' war, it must be remembered, sharing all their dangers and all their hardships, and his hold upon their affections and upon their confidence could not be broken. But civil affairs received his attention as well as military. In 1757 he took his seat as a member of the Assembly for the county of Rowan, the county in which Fort Dobbs was situated and in which he lived. In 1762, after peace was made with the Indians,

he married, and having removed to the low country, represented the county of Bladen. He married Mary Haynes, daughter of Captain Roger Haynes, of the well-known "Castle Haynes," near Rocky Point, on Cape Fear River, and granddaughter of Rev. Richard Marsden, first Rector of St. James's Parish in the county of New Hanover.

An earnest patriot, with war the passion of his life, and possessing reputation, experience and capacity, General Waddell's career in the Revolution, had he lived and retained his health, would doubtless have been a great one. But he was cut off in the prime of life and just when his country most needed his services. But how well North Carolina must have been grounded in the faith to have shown no check in her course when Hugh Waddell, her greatest military leader, and John Harvey, her acknowledged civil leader, went to untimely graves at the very outset of the great struggle, and just when they were so much needed.

COLONEL JOHN HARVEY.

The Harvey's were amongst the first comers to the Albemarle section. They went there from Virginia, where they had been settled for many years. Possessing wealth and education as well as vigorous mental powers, they occupied a very prominent position in the Province for more than a century. John Harvey, the great leader in the eventful times immediately preceding the Revolution, is the only member of the family, however, with whom we have now to do. He was a native of the Albemarle Shore, and a citizen of the county of Perquimans. Endowed by nature with a vigorous mind, and having embraced the most liberal opportunities for its cultivation, he added the ornaments of education to those more indispensable and hereditary qualifications of a polished gentleman, which eminently distinguished his character. After having for many years served as a member of the Assembly from Perquimans, he was, in 1766, elected Speaker of the popular House, a station which he filled, with but one interruption, to the close of the Royal government. Throughout the turbulent period of the years 1767, 1768, and 1769, he presided over the deliberations of the House, and received the unanimous thanks of that body at the close of each session. The arts and influence of Tryon in the course of time paralyzed the Whig party; and in the Assembly of 1770, Harvey was succeeded by Richard Caswell, a gentleman more acceptable to Tryon, as a personal and political friend. In the Assembly of 1773, however, he was again elected Speaker at the instance of Caswell, and he found the office once more of the greatest dignity and importance. The House, from this period to the flight of Governor Martin (and the consequent dissolution of the Royal government) was, strictly speaking, arrayed as a party against the government; and, during the whole of this time Mr. Harvey was the acknowledged leader of the opposition. He conducted the Whigs through the great controversy on the court law, and the attachment clause, and the various other disputes with the Executive and Council. He was chosen Moderator of the first Independent Provincial Congress, a station which he filled with great honor to himself, and advantage to the cause of his country, until his death, which took place in the early part of the summer of 1775,

[NOTE.—For the sketches of Moseley, Starkey and Waddell, see *Colonial Records of North Carolina*, and for that of Harvey see *Jones's Defence of the Revolutionary History of North Carolina*.]

while yet in middle life. He was remarkable for great decision of character and firmness in his political principles, and demeaned himself towards his opponents, and more particularly the Governor, with a haughty reserve, which showed the bitterness of his opposition. Harvey's Neck, a point of land on Albemarle Sound, at the mouth of the Perquimans River, was the seat of this remarkable and illustrious family, which, for many years before the Revolution, was celebrated for its dignity, antiquity and wealth. The changes of a century have left nothing but a few venerable and respected tombs, to attest the magnificent hospitality and grandeur of the "House of Harvey."

A word more and I have done.

When I search these North Carolina scriptures and read the story of her hundred years' struggle with the mother country for Constitutional Government and the no less wonderful story of her hundred years' struggle with the savage Indian for very life, both culminating in her first great revolution; and then coming down to her second great revolution, when I remember how the old State bared her bosom to that great storm, the greatest perhaps, of modern time, if not of all time; how she sent her sons to the field, until both the cradle and the grave were robbed of their just rights; how devotedly those sons stood before shot and shell and the deadly bullet, so that their bones whiten every battle-field; when I remember how heroically she endured every privation, until starvation was at her very doors and until raiment was as scarce as food; with what fortitude she met defeat, when, after Appomattox, all seemed lost, save honor; especially, when I remember how, in the darkest of all hours, rallying once more to the struggle for Constitutional Government, she enlisted for the war of Reconstruction, fought it out to the end, finally wresting glorious victory from the very jaws of disastrous defeat; when I look around me and see the thousands and thousands of bright, vigorous, intelligent, ambitious youth, children of my old comrades, ready, aye, and eager to do everything for their State that honor demands, I bow my head in gratitude and say as our great Confederate commander, the immortal Lee, said, when, looking at his grand old army and seeing how many of the brave legions that had fought under him so long were from our State, he exclaimed in the fullness of his heart,

"GOD BLESS OLD NORTH CAROLINA."

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